THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 20th day of April,2007

W.P.No.13807 of 1997

Between:-

B. Bal Bahadur Singh … Petitioner

and

The Quli Qutub Shah Urban Development Authority, rep. by its Administrator, Darulshifa, Hyderabad & others …
Respondents … Responde

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently to direct the respondents to regularize the services of the petitioner.

According to the petitioner, he has passed X Class and also holds National Certificates in Boxing. On the strength of the said certificates and talent in the field of Boxing, the respondent-authority appointed him as part-time Coach at Wrestling Stadium, Dhoolpet, Hyderabad, vide Proceedings dated 21-2-1992 on a consolidated remuneration of Rs.800/- per month. Though he had completed more than 5 years of service (as on the date of filing Writ Petition) and eligible to hold the post in the last grade service, his case for regularization was not considered. Therefore, this Writ Petition.

It is the case of the petitioner that the Managing Committee of Quli Qutub Shah Urban Development Authority had adopted service rules and conduct rules of the State Government in its meeting held on 26-4-1985. Thus, all the service conditions applicable to Government employees are applicable to the personnel serving with Quli Qutub Shah Urban Development Authority. G.O.Ms.No.115, General Administration (Services-A) Department, dated 21-2-1977 provides

appointment to meritorious sportsmen in public services to the posts of Clerks/Typists in the Ministerial service and in the Heads of Department and Junior Assistants/Typists in the Secretariat in all the posts in Last Grade service in the Secretariat and Heads of Department. Therefore, on 16-12-1993, he gave a representation to the Government with a request to absorb him on permanent basis in Quli Qutub Shah Urban Development Authority. The concerned Minister forwarded his representation to the respondent-authority for consideration and necessary action. Respondent No.1 basing on the representation dated 16-12-1993 addressed a letter dated 8-4-1994 to the Consultant of Sports, Municipal Corporation of Hyderabad requesting him to offer his remarks for further action. On 19-4-1994, the Consultant of Sports, MCH, Hyderabad in response to the letter addressed by the 1st respondent recommended his case for appointment as Player-cum-Coach in Quli Qutub Shah Urban Development Authority. As no action was taken on the recommendation of the Consultant of Sports, MCH, Hyderabad either to appoint him as a player-cum-coach or pay equal to that of skilled NMR wages, on 27-9-1994 he gave a representation requesting the 1st respondent to consider the recommendation of the Consultant of Sports, MCH, Hyderabad or appoint him, at least, in the last grade service. According to the petitioner, the services of similarly placed persons in the Municipal Corporation of Hyderabad were regularized and they were put on regular pay scale, whereas the respondents have not considered his case in spite of the fact that the Consultant of Sports, MCH, Hyderabad had recommended his case.

The respondents have denied the claim of the petitioner and asserted that the representation dated 16-12-1993 of the petitioner filed before the Minister for Municipal Administration and Urban

Development Department, Andhra Pradesh, requesting for absorption on permanent basis was forwarded to the Administrator, Quli Qutub Shah Urban Development Authority recommending to examine the same. Since there was no sanctioned post of player-cum-coach in the Quli Qutub Shah Urban Development Authority, the case of the petitioner was not considered. Further, as per G.O.(P)No.112, Finance and Planning (FW.PC-III) Department, dated 23-7-1997, completion of ten years as part-time worker is a compulsory condition for regularization of services in respect of part-time workers. Since the petitioner has not completed ten years of service, he is not eligible for regularization in any post as per the said G.O. Even, the question of consideration of the case of the petitioner under sports quota also does not arise.

Learned counsel for the petitioner asserted that as of now, petitioner has completed ten (10) years of service and he became eligible for being considered for regularization as per G.O.(P) No.112, dated 23-7-1997. Apart from this, petitioner is also entitled for consideration under G.O.Ms.No.212, Finance and Planning Department, dated 22-4-1994.

In the facts and circumstances of the case, without expressing any opinion on merits, respondents are directed to consider the case of the petitioner for regularization of his services as per the said Governmental Orders or any other guidelines issued by the Government from time to time and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs.

20-4-2007

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